

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**Philip Shuler**

Plaintiff,

v.

**South Carolina Department of  
Corrections; Warden Donald Beckwith,**  
individually and/or in his official capacity as  
warden at Wateree River Correctional  
Institution; **Associate Warden Tonya  
James,** individually and/or in her official  
capacity as associate warden and/or major of  
security at Wateree River Correctional  
Institution; and **Major James Wakeley,**  
individually and/or in his official capacity as  
an employee of SCDC; and **Shamika  
Rowley;**

Defendants.

No. 5:19-cv-126-SAL-KDW

**Motion to Amend Scheduling Order**  
(with partial consent)

Plaintiff Philip Shuler, pursuant to Fed. R. Civ. P. 16 and LCR 6.01, moves to amend the current scheduling order (ECF Entry 62) to extend the remaining four deadlines (discovery, dispositive motions, mediation, and trial) by 40 days. The ongoing COVID-19 pandemic has created difficulties for all parties to timely respond to discovery. In particular, on May 20, 2020, Shuler requested, pursuant to Fed. R. Civ. P. 34, the Cellebrite report from Police Services Investigation 32-2017-070 in its native format. SCDC has informed Shuler that it could take until July 31, 2020 to produce this report. Shuler must review this information, and other documents he as requested before he can take his final contemplated depositions of SCDC and Rowley.<sup>1</sup> (See

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<sup>1</sup> Rowley's counsel indicated on July 12, 2020, Rowley will not consent to her deposition being taken in this action (it was taken in the prior *Shuler v. Rowley* action). Shuler's counsel will request

Response in Opposition to Rowley's Motion for Summary Judgment, ECF Entry 67 pp. 16-17).

The requested extension is reflected in the attached proposed Fourth Amended Scheduling Order.

Shuler's counsel has consulted with counsel for the Defendants regarding this motion; Defendant Rowley does not consent to this motion, but the remaining four Defendants consent.

Dated: 07/14/2020

/s/ Jason Scott Luck

Jason Scott Luck (Fed Id. 9696)  
jluck@garrettlawsc.com  
Garrett Law Offices, LLC  
1075 E. Montague Ave.  
North Charleston, SC 29405  
843.554.5515 (phone)  
843.747.3198 (telefax)

and

J. Edward Bell, III (Fed. Id. 1280)  
ebell@edbelllaw.com  
Gabrielle A. Sulpizio (Fed. Id. 12715)  
GSulpizio@edbelllaw.com  
BELL LEGAL GROUP, LLC  
219 North Ridge Street  
Georgetown, SC 29440  
TEL.: (843) 546-2408  
FAX: (843) 546-9604  
**Attorneys for Plaintiff**

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under separate cover a conference call regarding this discovery dispute.